

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.111
Serial Number: 09/493,630
Filing Date: January 28, 2000
Title: VARIABLE DELAY LINE

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Dkt: 303.662US1

REMARKS

This is in response to the Office Action mailed on June 1, 2004, and the references cited therewith. Claims 24, 26 and 50 are amended and claim 49 is canceled; as a result, claims 1-53 are now pending in this application. Reconsideration of the rejections and the claims and allowance of all claims is respectfully solicited.

§102 Rejection of the Claims

Claims 24, 26, and 49 were rejected under 35 U.S.C. § 102(b) as being anticipated by Jefferson et al. (U.S. Patent No. 5,744,991). Claim 49 has been deleted thereby rendering the rejection of claim 49 moot. Claims 24 and 26 have been amended to include the limitation of a third phase comparator, among other important limitations. A third comparator is not found in the Jefferson et al. patent. Since all of the limitations of amended claims 24 and 26 are not found in the Jefferson et al. patent, the rejection of these claims under 35 U.S.C. § 102(b) as being anticipated by the Jefferson et al. patent would be improper. Applicant respectfully request reconsideration and allowance of claims 24 and 26.

Allowable Subject Matter

Claim 50 was objected to as being dependent upon a rejected base claim, but was indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant has done this making claim 50 independent. Reconsideration of claim 50 is respectfully requested.

Applicant acknowledges the allowance of claims 1-23, 25, 27-48, and 51-53.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6904 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

ERIC T. STUBBS

By his Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 373-6904

Date Sept. 2, 2004 By Daniel J. Kluth
Daniel J. Kluth
Reg. No. 32,146

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being transmitted by facsimile to the United States Patent and Trademark Office on this 1st day of September, 2004.

Daniel J. Kluth
Name

Daniel J. Kluth
Signature